

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 263

SENATE BILL 1384

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-720; RELATING TO NONCURRICULUM RELATED SCHOOL CLUBS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 7, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-720, to read:

4 15-720. Noncurriculum related clubs for grades seven and eight;
5 definitions

6 A. IT IS UNLAWFUL FOR ANY PUBLIC SCHOOL THAT OFFERS INSTRUCTION IN
7 GRADES SEVEN AND EIGHT TO DENY EQUAL ACCESS TO PUPILS, TO DENY A FAIR
8 OPPORTUNITY TO PUPILS OR TO DISCRIMINATE AGAINST PUPILS WHO WISH TO CONDUCT
9 A MEETING WITHIN A LIMITED OPEN FORUM ON THE BASIS OF RELIGIOUS CONTENT,
10 POLITICAL CONTENT, PHILOSOPHICAL CONTENT OR OTHER CONTENT OF SPEECH AT THESE
11 MEETINGS.

12 B. A PUBLIC SCHOOL THAT OFFERS INSTRUCTION IN GRADES SEVEN AND EIGHT
13 SHALL BE DEEMED TO OFFER A FAIR OPPORTUNITY TO PUPILS WHO WISH TO CONDUCT A
14 MEETING WITHIN A LIMITED OPEN FORUM PURSUANT TO THIS SECTION IF THE SCHOOL
15 POLICY ON NONCURRICULUM GROUP MEETINGS CONFORMS TO ALL OF THE FOLLOWING:

16 1. THE MEETINGS ARE VOLUNTARY AND INITIATED BY PUPILS.

17 2. THE MEETINGS ARE NOT SPONSORED BY THE SCHOOL, THE SCHOOL DISTRICT,
18 THE FEDERAL GOVERNMENT, THIS STATE, ANY OF THIS STATE'S POLITICAL
19 SUBDIVISIONS OR ANY OFFICER OR EMPLOYEE OF THE SCHOOL, THE SCHOOL DISTRICT,
20 THE FEDERAL GOVERNMENT, THIS STATE OR ANY OF THIS STATE'S POLITICAL
21 SUBDIVISIONS.

22 3. EMPLOYEES OR OFFICERS OF THE SCHOOL, THE SCHOOL DISTRICT, THE
23 FEDERAL GOVERNMENT, THIS STATE OR ANY OF THIS STATE'S POLITICAL SUBDIVISIONS
24 MAY BE PRESENT AT RELIGIOUS MEETINGS ONLY AS NONPARTICIPANTS.

25 4. THE MEETINGS DO NOT MATERIALLY AND SUBSTANTIALLY INTERFERE WITH THE
26 ORDERLY CONDUCT OF THE EDUCATIONAL ACTIVITIES OF THE SCHOOL.

27 5. PERSONS WHO ARE NOT OFFICIALS OR EMPLOYEES OF THE SCHOOL OR THE
28 SCHOOL DISTRICT SHALL NOT DIRECT, CONDUCT, CONTROL OR REGULARLY ATTEND THE
29 MEETINGS.

30 C. THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THIS STATE OR ANY
31 OF ITS POLITICAL SUBDIVISIONS TO ENGAGE IN ANY OF THE FOLLOWING:

32 1. INFLUENCE THE FORM OR THE CONTENT OF ANY PRAYER OR OTHER RELIGIOUS
33 ACTIVITY.

34 2. REQUIRE ANY PERSON TO PARTICIPATE IN PRAYER OR ANY OTHER RELIGIOUS
35 ACTIVITY.

36 3. SPEND PUBLIC MONIES ON NONCURRICULUM GROUP MEETINGS OTHER THAN THE
37 INCIDENTAL COSTS OF PROVIDING METHODS TO ANNOUNCE THE TIME AND LOCATION OF
38 A NONCURRICULUM GROUP'S MEETING TO SEVENTH AND EIGHTH GRADE PUPILS AND THE
39 INCIDENTAL COSTS OF PROVIDING THE FACILITIES TO CONDUCT THE MEETINGS.

40 4. COMPEL ANY OFFICER OR EMPLOYEE OF THE SCHOOL OR THE SCHOOL DISTRICT
41 TO ATTEND A NONCURRICULUM GROUP MEETING IF THE CONTENT OF THE SPEECH AT THE
42 MEETING IS CONTRARY TO THE BELIEFS OF THE OFFICER OR EMPLOYEE.

43 5. ALLOW MEETINGS THAT ARE UNLAWFUL TO TAKE PLACE ON SCHOOL PROPERTY.

44 6. LIMIT THE APPLICATION OF THIS SECTION TO GROUPS OF A MINIMUM OR
45 MAXIMUM NUMBER OF PUPILS.

1 7. VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

2 D. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE
3 SCHOOL, THE SCHOOL DISTRICT OR THE OFFICERS OR EMPLOYEES OF THE SCHOOL OR THE
4 SCHOOL DISTRICT TO:

5 1. MAINTAIN ORDER AND DISCIPLINE ON THE SCHOOL PREMISES.

6 2. PROTECT THE SAFETY OF PUPILS AND FACULTY.

7 3. ALLOW A SCHOOL OFFICER OR EMPLOYEE OR A SCHOOL DISTRICT OFFICER OR
8 EMPLOYEE TO BE PRESENT AT NONCURRICULUM GROUP MEETINGS.

9 4. ENSURE THAT THE ATTENDANCE OF PUPILS AT NONCURRICULUM GROUP
10 MEETINGS IS VOLUNTARY.

11 E. AS USED IN THIS SECTION:

12 1. "LIMITED OPEN FORUM" MEANS AN OFFERING OR OPPORTUNITY PROVIDED BY
13 A SCHOOL THAT PROVIDES INSTRUCTION IN GRADES SEVEN AND EIGHT FOR ONE OR MORE
14 NONCURRICULUM RELATED GROUPS OF PUPILS TO MEET ON THE PREMISES OF THE SCHOOL
15 DURING LUNCH PERIODS, BEFORE THE COMMENCEMENT OF THE DAY'S REGULARLY
16 SCHEDULED COURSES OR AFTER THE CONCLUSION OF THE DAY'S REGULARLY SCHEDULED
17 COURSES.

18 2. "NONCURRICULUM" MEANS THAT THE GROUP'S ACTIVITIES DO NOT
19 SUBSTANTIALLY ENHANCE, EXTEND OR REINFORCE THE SUBJECT MATTER OF AN ACADEMIC
20 COURSE THAT IS CURRENTLY OFFERED AT THE SCHOOL.

21 3. "PUPIL" MEANS A PUBLIC SCHOOL STUDENT ENROLLED IN THE SEVENTH OR
22 EIGHTH GRADE.

APPROVED BY THE GOVERNOR APRIL 27, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2001.

Norman L. Thore
Chief Clerk of the House

Chaim Belington
Secretary of the Senate

Secretary of State

S.B. 1384

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 23, 20 01,

by the following vote: 16 Ayes,

11 Nays, 2 Not Voting

[Signature] 1 vacancy

President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23 day of April, 2001.

at 3:50 o'clock P M.

[Signature]
Secretary to the Governor

APPROVED THIS 27th day of

April, 2001,

at 1:00 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of April, 2001,

at 4:50 o'clock P M.

[Signature]
Secretary of State

S.B. 1384